

REGULAR MEETING OF THE CITY COUNCIL
February 13, 2006
Minutes

A regular meeting of the City Council was called to order at 7:00 p.m. by Mayor Cannella with the following in attendance.

PRESENT: Vice Mayor Phipps, Council Members Lane, Ochoa, Mayor Cannella

EXCUSED: Councilmember Vierra

ALSO PRESENT: Interim City Manager, Sheila Cumberland; City Attorney, Mike Lyons; Director of Management Services, Bonnie White Silveria; Senior Planner, Nancy Brown; Director of Public Works, Joe Hollstein; Director of Parks, Recreation and Facilities, Doug Lemcke; Director of Public Safety, Art de Werk and Deputy City Clerk Cynthia Heidorn.

INVOCATION by Pastor Dave Broyles, Ceres Christian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS - none

APPROVAL OF THE MINUTES of the Special Meeting of January 19, 2006.

MOTION: Approve the Special Meeting Minutes of January 19, 2006 as recommended.

MOVED: Moved by Phipps/Seconded by Lane

VOTE: Motion passed unanimously. (4/0)

APPROVAL OF THE MINUTES of the Special Meeting of February 2, 2006.

MOTION: Approve the Special Meeting Minutes of February 2, 2006, as recommended.

MOVED: Moved by Lane/Seconded by Phipps

VOTE: Motion passed with Councilmember Ochoa abstaining. (3/0/1)

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (ten minutes).

- Leonard Shepherd, Ceres resident, thanked the Mayor and Council for their diligence and hard work while investigating the feasibility of imposing a mobile home park rent control ordinance throughout the City. He further stated that he was glad to see so many people present at the Council meeting and wished that there was more community involvement.

APPROVAL OF AGENDA AS POSTED (OR AMENDED) AND CERTIFICATION OF POSTING

Mayor Cannella pulled Item 15 was pulled from the agenda and moved Item 16 to be heard after Item 17.

MOTION: Approve the agenda as amended with Item 15 pulled and Item 16 moved to after Item 17 and approve the certification of posting.

MOVED: Moved by Phipps/Seconded by Lane

VOTE: Motion passed unanimously. (4/0)

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Sales Tax Digest Summary Fourth Quarter Collections of Third Quarter Sales.
 - b. City of Ceres Website Activity Report for Calendar Year 2005. *Pulled for further discussion.*
 - c. Department of Public Works Monthly Report for December, 2005.
 - d. CIWMB Regional Waste Tire Cleanup and Amnesty Event Grant.
 - e. Parks, Recreation and Facilities Monthly Report for December, 2005.
2. Register of Audited Demands dated January 9 – February 3, 2006.
3. Authorize Mayor to sign a letter of support for the United Way 2-1-1 HelpLine Stanislaus. *Pulled for further discussion.*
4. **Resolution No. 2006-19** adopting the Vantage Care Retirement Health Savings Plan (RHS) Program for Ceres Police Officer Association Members.
5. **Resolution No. 2006-20** amending the Vantage Care Retirement Health Savings Plan Program for Department Heads, Mid-managers, and Supervisor/Confidential Employees to reflect IRS regulation changes.
6. **Resolution No. 2006-21** amending the 2005/06 Budget to appropriate funds for upgrading of the Ceres Water Model.
7. **Resolution No. 2006-22** approving the Lot Line Adjustment for Lexar Properties, LLC, 1243 & 1267 Tranquil Lane.
8. **Resolution No. 2006-23** rejecting the contract for construction of River Bluff Regional Park – Phase 4A. *Pulled for further discussion.*
9. **Resolution No. 2006-24** approving the Reimbursement Agreement with Pinehurst Investors L.P. concerning the costs for roadway widening & water main over-sizing for Pinehurst South at Eastgate, amending the 2005/06 Budget to appropriate funds and authorizing the Interim City Manager to execute said agreement.
10. **Resolution No. 2006-25** accepting the Final Map of the Corners at Eastgate Unit No. 4 Subdivision.

- 11. **Resolution No. 2006-26** annexing the Corners at Eastgate Unit No. 4 Subdivision to the Landscape and Lighting District.
- 12. **Resolution No. 2006-27** approving an amendment to the contract with Boyle Engineering to include construction assistance for the Blaker Road Reservoir and Pump Station Improvement Project.
- 13. **Resolution No. 2006-28** amending the 2005/06 Budget to appropriate funds to hire Monk & Associates to perform a natural environmental study for Mitchell/Service Interchange.
- 14. Council authorization to move forward with the construction of three (3) soccer fields at River Bluff Regional Park Upper Level Phase II. ***Pulled for further discussion.***
- 15. ~~**Resolution No. 2006-_____** amending the 2005/06 Budget to appropriate funds to expense Asset Seizure Funds for GIT Phone Lines Project. ***Pulled from Agenda.***~~

MOTION: Approve Consent Calendar Items No. 1a, 1c-e, 2, 4-7 and 9-13 as recommended.
MOVED: Moved by Phipps/Seconded by Lane
VOTE: Motion passed unanimously. (4/0)

Items Pulled for Further Discussion

- 1b. City of Ceres Website Activity Report for Calendar Year 2005.

Council directed staff to do a report detailing web-site usage on a cost-per-hit basis. Council also requested information on the feasibility of offering higher levels of service via the internet such as on-line bill pay and class/facility reservations.

- 3. Authorize Mayor to sign a letter of support for the United Way 2-1-1 HelpLine Stanislaus.

Councilmember Lane asked for clarification that we are not monetarily obligating ourselves by sending this letter.

Sheila Cumberland, Interim City Manager, stated that the United Way has asked for no financial assistance for the program.

Mayor Cannella, commented that the United Way stated at the last meeting that the 2-1-1 HelpLine Stanislaus would be funded by private funds.

MOTION: Authorize the Mayor to sign the letter of support for the United Way 2-1-1 HelpLine Stanislaus.
MOVED: Moved by Lane/Seconded by Ochoa
VOTE: Motion passed unanimously. (4/0)

- 8. **Resolution No. 2006-23** rejecting the contract for construction of River Bluff Regional Park – Phase 4A.

Mayor Cannella recused himself citing a conflict of interest.

MOTION: Approve **Resolution No. 2006-23** rejecting the contract for construction of River Bluff Regional Park – Phase 4A.
MOVED: Moved by Lane/Seconded by Ochoa
VOTE: Motion passed with Mayor Cannella abstaining. (3/0/1)

14. Council authorization to move forward with the construction of three (3) soccer fields at River Bluff Regional Park Upper Level Phase II.

Councilmember Phipps recused himself citing a conflict of interest.

Doug Lemcke, Director of Parks, Recreation and Facilities, gave an overview of the staff report outlining projected maintenance costs and potential sources of revenue for the three additional soccer fields to be built at the upper level of River Bluff Regional Park. The estimated cost to maintain the fields will be approximately \$52,000.00 annually. Mr. Lemcke further stated that projected revenue is expected to come from both traditional and non-traditional sources. Sources include both donations and fees from the Ceres Youth Soccer Organization, field rentals for games and tournaments, facility naming rights, corporate sponsorship signs, memorial brick sales, and concessions. Mr. Lemcke also pointed out additional benefits to the community in terms of aesthetics, recreational opportunities for children, as well as the revenues generated from visiting athletes during tournaments.

Jim Applegate, representing Applegate Johnston, spoke in support of the construction of the additional soccer fields. In addition to being a corporate sponsor, Mr. Applegate has worked diligently, in conjunction with Mayor Cannella to identify additional corporate sponsors. He has received commitments for approximately \$70,000.00 in corporate sponsorships over the next 5 years and expects to receive more.

Jim Phipps, representing River Oaks Golf Course, addressed Council about concerns he has with regard to the configuration of the pond and the fence located near the property line between his property and RBRP. Mr. Phipps stated that in his original agreement with the City, there was to be 10-12 feet between the retention pond and the property line to allow for fence maintenance and the planting of trees. Now the pond is only three feet from the property line, making tree planting and fence maintenance impossible. Mr. Phipps voiced concern about erosion occurring in the pond, eventually weakening the fence. He also mentioned areas along the fence which were supposed to be fixed by the City several months ago, but that has not occurred.

Mayor Cannella directed staff to set up an appointment with Mr. Phipps to discuss his concerns in more detail.

Randy Cerney, representing Ceres Youth Soccer Organization, publicly thanked Mr. Lemcke for the presentation he made recently at CYSO. Mr. Cerney also thanked the City Council and Mr. Applegate for all their efforts in securing funding for the project.

Lou Toste, President of Ceres Youth Soccer, thanked Council and staff for their efforts. He stressed that anything for youth is good for the City.

Mayor Cannella commented that the business community is very motivated to the have soccer fields built. He recapped the on-going maintenance costs and projected revenues for the soccer fields. Mayor Cannella stated that assuming Mr. Lemcke's projections are correct and we receive all the money we have commitments on, then the City will not need to use money from the General Fund to supplement park maintenance costs for almost 10 years.

Councilmember Lane remarked that he is in support of building the three additional soccer fields but we need to be sure that our commitments to Mr. Phipps are met.

Councilmember Ochoa stated that he felt staff has done a great job securing non-traditional sources of funding for the project.

MOTION: Authorize staff to move forward immediately with the construction of three (3) soccer fields at River Bluff Regional Park Upper Level Phase II.

MOVED: Moved by Lane/Seconded by Ochoa

VOTE: Motion passed with Councilmember Phipps abstaining. (3/0/1)

PUBLIC HEARING

- 17. Resolution No. 2006-29** approving a Planned Community Master Plan Amendment to the River Ranch Master Plan to allow the closing of three open ended cul-de-sacs with wrought iron fencing at Lars Court, Monique Court, and Sarah Therese Way. Zoned PC 54. (Application No. 05-51 PCMP; Participating property owners within the affected three streets, applicants).

Mayor Cannella recused himself citing a conflict of interest.

Tom Westbrook, Sr. Planner, gave an overview of the staff report stating that the open ended cul-de-sacs on Lars Court, Monique Court and Sarah Therese Way are consistent with the General Plan and the River Ranch Master Plan. There are currently 24 open ended cul-de-sacs in the City. The residents of those streets approached the Planning Commission with a desire to amend the River Ranch Master Plan to allow the installation of gates, thereby restricting foot traffic through the neighborhood. The residents felt that it would deter crime in the neighborhood. The Planning Commission, at their meeting of January 17, 2006, determined that the cul-de-sacs were in a unique location and open to a lot of transient traffic and closing the open ended cul-de-sacs would have no adverse affect on public safety. The Planning Commission was recommending that Council amend the River Ranch Master Plan and allow for the closure of the open ended cul-de-sacs. Mr. Westbrook emphasized that the cost for the gates and their continuing maintenance is directly the responsibility of the property owners on those three streets.

The Public Hearing was opened at 7:48 p.m.

Albert Avila, Sarah Therese Way resident, advised Council that he has been a victim of crime four times since moving into his home. He feels that there subdivision is unique in that there is really no where to go on River Road.

Joanne Vega, Monique Court, stated that she is concerned for the safety of her family because of the undesirable people that come from other neighborhoods into hers.

Mark Price, Larz Court, expressed concern that there is no visibility on the corner of River Road and Central. Traffic travels extremely fast around the corner and the gates will protect children from running across River Road.

There being no one else wishing to speak, the public hearing was closed at 7:56 p.m.

Councilmember Ochoa stated that he drives by the subdivision often, and he understands the concerns of the residents.

Councilmember Lane stated that he feels the subdivision is in a unique location and subject to a lot of transient foot traffic. While he would not necessarily support the closing of other the open ended cul-de-sacs, he does support the closing of these three.

Vice Mayor Phipps concurred.

MOTION: Approve **Resolution No. 2006-29** approving a planned community master plan amendment to the river ranch master plan to allow the closing of three open ended cul-de-sacs with wrought iron fencing at Lars Court, Monique Court, and Sarah Therese way. zoned pc 54. (application no. 05-51 PCMP; participating property owners within the affected three streets, applicants)

MOVED: Moved by Lane/Seconded by Ochoa

VOTE: Motion carried with Mayor Cannella abstaining. (3/0/1)

16. Resolution No. 2006-30 amending the 2005/06 Budget to hire three firefighters in the Public Safety Department.

Art deWerk, Director of Public Safety, gave a brief overview of the staff report. He stressed to Council that the City currently has six full-time paid fire fighters (two men per station). The rest of the man-power comes from interns who are not obligated to be here. Staffing at this time puts us at a dangerous level. With the additional station ready to open in Mid-2007, there is a need for additional fully trained firefighters. Given the length of time it takes to train a firefighter to be ready to serve in a solo capacity, it is necessary to begin the hiring process now.

Leonard Shepherd, Ceres resident spoke in support of the additional firefighters.

Mayor Cannella asked Chief de Werk what the consequences would be if we did not do it.

Chief de Werk responded that we would be at a level of .42 firefighters/1,000 population.

After some further discussion Council made the following motion:

MOTION: Approve **Resolution No. 2006-30** amending the 2005/06 Budget to hire three firefighters in the Public Safety Department.

MOVED: Moved by Phipps/Seconded by Lane

VOTE: Motion carried unanimously. (4/0)

8:21 p.m. Council recessed for a short break

Council reconvened at 8:30 p.m.

OLD BUSINESS

18. **Resolution No. 2006-31** approving an amended contract with Stanislaus County for Building Inspection Services and amending the budget to provide funding for the additional cost.

Nancy Brown, Interim Director of Planning and Community Development, presented the staff report to Council. Ms. Brown outlined the components County's proposal which includes:

- No set contract, either party could request a renegotiation or review with a 30-day written notice.
- City would be invoiced on a monthly or quarterly basis.
- Fees would be based on current time and activity at an hourly rate.
- Plan check portion of the existing contract would remain the same.
- City staffing would remain unchanged.

Ms. Brown pointed out that the cost of building our own in-house building inspection services would be approximately the same as continuing to contract with the County. Ms. Brown then compared the pros and cons of in-house building inspection vs. contract building inspection.

Councilmember Lane asked if the City is charging adequate fees to cover the increase in cost.

Ms. Brown responded that staff feels we have adequate fees to cover the increase.

Mayor Cannella expressed concern that we might get into a situation where the City is charging a lump sum for inspection fees and we are paying the County on a time and materials basis. If we should get a developer that is requiring more than the usual number of inspections, we could be in a negative situation.

Mayor Cannella expressed a desire to change our fee structure so that we establish a fee for a set number of inspections and any inspections incurred over that number, that will be charged on a time and material basis at the County's rate.

MOTION: Approve **Resolution No. 2006-31** approving an amended contract with Stanislaus County for Building Inspection Services and amending the budget to provide funding for the additional cost.

MOVED: Moved by Lane/Seconded by Phipps

VOTE: Motion carried unanimously (4/0)

19. **Resolution No. 2006-32** approving the purchase of a new lawn mower, authorizing the acceptance of bids and amending the 2005/06 Budget to provide funding.

Doug Lemcke, Director of Parks, Recreation and Facilities, gave a brief overview of the item explaining that the old mower is expensive to maintain and is often not available because it is in the shop for repairs. A new mower will allow for park maintenance to be completed

more efficiently, especially with the three new neighborhood parks coming on-line soon. The old mower will be kept for a backup. Mr. Lemcke also stated that there would be a Toro mower demonstration at 9:00 a.m. on February 14, 2006, in Smyrna Park should any of the Council wish to attend.

Council directed staff to accelerate the depreciation on the new mower so that there will be sufficient funds in the park equipment replacement fund for the next mower.

MOTION: Approve **Resolution No. 2006-32** approving the purchase of a new lawn mower, authorizing the acceptance of bids and amending the 2005/06 Budget to provide funding.

MOVED: Moved by Phipps/Seconded by Lane

ACTION: Motion carried unanimously (4/0)

NEW BUSINESS

20. Report regarding site location of Fire Station No. 4 and discussion of sale of excess property.

Mike Lyons, City Attorney, gave an overview of the staff report explaining that the Department of Public Safety has established the basic foot print for the new fire station and is ready to move forward with a determination of the parcel size required, so the remaining property can be subdivided and sold.

Council directed staff to move forward with the determination of the parcel size necessary for the fire station and the division of the remaining property; directed the City Attorney to do further research regarding the legality of imposing restrictions on the use of the excess property that is sold; and authorized staff to engage the services of Mr. Greg Smith, Coldwell Banker Commercial, Vinson Chase Realtor as the realtor for the marketing and sale of the excess property.

21. Discussion of Colony Park resident's rent increase issues.

Mayor Cannella introduced the item and invited public comment.

Tammy Merren, Colony Park resident, commented that she was disappointed in the City Council's lack of response to their requests at the public meeting on January 19, 2006. She further stated that she was disappointed that the residents of Colony Park were not given the opportunity to negotiate with the Colony Park property owners, ELS, directly. In general, she felt like Council did not do enough.

Sharon Burch, Colony Park resident, commented that she felt that Council had let the residents of Colony Park down. Ms. Burch stated that the reduction in rent that Council was able to secure from ELS, would only be charged back to them in the form of Capital Improvement costs. She stated that they have not been given a copy of the new lease yet and she wanted to make sure they had a full 30-days to review the lease before the rents increased. She also requested a copy of the lease from Las Casitas Mobile Home Park so they could have something to use as a comparison.

Jeanie Mercer, Regina Maupin, and Mary Clark, Colony Park residents, also asked Council for any assistance they may be able to offer.

Irv Gilbert, Ceres resident commented he feels that the rents being imposed by ELS are too expensive when compared to the rents being charged at Las Casitas Mobile Home Park.

Mike Lyons, City Attorney, stressed that a Mobile Home Park Rent Control Ordinance is the only vehicle local government has to impose any kind of legal action on private enterprise.

After further Council discussion, Council agreed to the following:

1. Write a letter requesting the new lease agreement from ELS is made available for the Residents of Colony Park to review.
2. Write a letter requesting the Colony Park Residents have a full 30-days to review the lease as required in the Mobile Home Residency Law Section 798.17 (b).
3. Obtain a copy of the lease agreement offered by Las Casitas Mobile Home Park for the Colony Park Residents to use in their lease evaluation.

Sharon Burch stated that if Council would do these three things, the residents of Colony Park would do their own negotiations with ELS moving forward.

REPORTS

Councilmember Lane reported that he went on a test drive, with members of the Department of Public Safety, in a vehicle equipped to read license plates.

Councilmember Ochoa commented that he felt the lash out from residents of Colony Park was unfair given the amount of time spent by Council and City Staff to help them rectify their problem.

Joe Hollstein, Director of Public works, reported that he is still waiting for pricing from Ross Carroll for the basin.

Art de Werk, Director of Public Safety provided an update on the Gang Intelligence Task Force which is currently located in our Police Station. Chief de Werk also reported that there was a 20% decrease in auto theft in Stanislaus County for the month of January 2006 compared to January 2005. He further commented that the new license plate reader vehicle seemed very effective but the product is new and warrants further study. He did not want Ceres to be the Beta site for a new product.

Doug Lemcke, Director of Parks, Recreation and Facilities, reported that the Name the Park Contest was now closed. He requested Councilmembers Ochoa and Lane to serve on the Name the Park AdHoc Committee. He further reported that the Stevenson Memorial should be completed by mid-March and the ribbon cutting would be shortly thereafter. Mr. Lemcke also thanked Mayor Cannella for his efforts to secure funding for the three new soccer fields.

There being no further business, Mayor Cannella adjourned to closed session at 9:54 p.m.

CLOSED SESSION

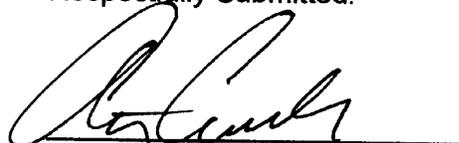
CONFERENCE WITH LABOR NEGOTIATOR

Agency Representative: **Bonnie White Silveria** – Miscellaneous Bargaining Unit
Pursuant to Gov't. Code Section 54957.6

Mayor Cannella reconvened to open session at 10:12 p.m. with nothing to report.

There being no further business, the meeting was adjourned at 10:13 p.m. to the Team Building Council Session, Friday, February 24, 2006, 9:00 a.m. in the City Council Chambers, 2210 Magnolia Street, Ceres, CA.

Respectfully Submitted:


Anthony Cannella, Mayor

ATTEST:


Cindy Heidorn, Deputy City Clerk